

# Notice of Allowability

Application No.

09/987,426

Examiner

William C. Choi

Applicant(s)

KIM ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 8/26/2003.
2. ☒ The allowed claim(s) is/are 1,2,4-6,8,17-24 and 33-42.
3. ☒ The drawings filed on 14 November 2001 & 26 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

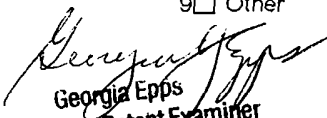
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1103</u> |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>0503</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                       |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material                 | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance      |
|  | 9 <input type="checkbox"/> Other   |

  
Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Stowe on November 26, 2003.

The application has been amended as follows:

1. Claim 42, lines 14-15, delete “, and the objective lens device has a numerical aperture of 0.70 or more.” and insert therein --; the objective lens device has a numerical aperture of 0.70 or more; and where a focal length of the first lens is  $f_n$  and an overall focal length of the objective lens device is  $f$ , the objective lens device satisfies the equation:

$$-2.4 < \frac{f_n}{f} < -1.4. --.$$

Allowed Claims: 1, 2, 4-6, 8, 17-24 and 33-42.

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically, with respect to independent claim 1, none of the prior art alone or in combination disclose or teach of an objective lens comprising three lenses as claimed, specifically wherein the numerical aperture of the objective lens device is 0.70 or more and satisfies the claimed condition regarding the focal lengths of the first lens and device.

Specifically, with respect to independent claim 17, none of the prior art alone or in combination disclose or teach of an optical pickup comprising an objective lens as claimed, specifically wherein the numerical aperture of the objective lens device is 0.70 or more and satisfies the claimed condition regarding the focal lengths of the first lens and device.

Specifically, with respect to independent claim 36, none of the prior art alone or in combination disclose or teach of an optical pickup comprising an objective lens as claimed, specifically wherein the numerical aperture of the objective lens device is 0.70 or more and satisfies the claimed condition regarding the focal lengths of the first lens and device.

Specifically, with respect to independent claim 42, none of the prior art alone or in combination disclose or teach of an optical pickup comprising an objective lens as claimed, specifically wherein the numerical aperture of the objective lens device is 0.70 or more and satisfies the claimed condition regarding the focal lengths of the first lens and device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **CITATION OF RELEVANT PRIOR ART**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamamoto et al (U.S. 6,570,827 B1) is being cited herein to show an objective lens comprising some of the structural limitations of that of the claimed invention but does not specifically disclose the focal length limitations as claimed.

### **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Choi whose telephone number is (703) 305-3100. The examiner can normally be reached on Monday-Friday from about 9:00 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (703) 308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

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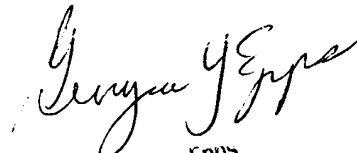
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

W.C.

William Choi  
Patent Examiner  
Art Unit 2873  
November 26, 2003

  
Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800